

**Carlisle Conservation Commission**  
**August 27, 2009**

Vice Chair Kelly Guarino called the meeting to order at 7:42 p.m. in the Clark Room at the Carlisle Town Hall. In addition to Guarino, also present were Commissioners Tom Brownrigg, Jenifer Bush, Tricia Smith and Diane Troppoli. Conservation Administrator Sylvia Willard was also present. Chair Peter Burn was not present.

**Meeting Schedule:** October 8 & 22; November 5 & 19; December 3 & 17

**Certificates of Compliance:**

**DEP 125-0837 - 400 Rutland Street, Septic System Replacement, Issued: 8/5/2008:** Because of the topography of the project site, Willard recommended that the Commission require that the area be fully revegetated before the COC is issued.

**DEP 125-237 - Elizabeth Ridge Road, Project: DPW Barn, Issued: May, 1987:** Willard noted that this is one of a series of lots encumbered by the Orders of Conditions for the construction of Elizabeth Ridge Road. Based on Willard's observations during a recent site visit during which she found the area to be stable, *Smith moved to issue a Certificate of Compliance for DEP #125-237. Troppoli seconded and all attending voted in favor.*

**DEP 125-722 - 29 Bingham Road, Project: Septic System Repair, Issued: 4/14/2004:** Based on Willard's report that the project had been completed satisfactorily, *Troppoli moved to issue a Certificate of Compliance for DEP #125-722. Bush seconded and all attending voted in favor.*

**Extension Permit – DEP #125-801 Cross Street Pathways:** Willard reported having numerous concerns with respect to the recent request for an Extension Permit for the Cross Street pathway construction. The following issues were cited: 1) sand from a culvert located under Cross Street which is draining onto the property and settling in the BVW; 2) surface problems may arise once the pathway is brought up to plan specifications, as water is presently exiting Cross Street and flowing overland onto the pathway and washing away some of the pathway base; 3) a considerable amount of broken asphalt exists in the area where Captain Wilson Lane enters Cross Street, however, there was no asphalt planned for the project; 4) the siltation barrier needs to be refreshed in several areas. Willard noted that although the Town of Carlisle is the applicant on the filing, Greystone Crossing developer William Costello is funding the project. The Commission requested that Willard send a letter to Mr. Costello requesting that he address the issues cited above and work to facilitate the useability of the pathway. *Smith moved to issue a three-year Extension Permit with reference to the concerns discussed above and requesting that they be addressed subject to the Administrators review and approval.*

**Amended Enforcement Order for 119 Estabrook Road** - circulated for signatures.

**8:00 p.m. (DOA-268) Request for Determination**

**Applicant:** Carlisle Fire Department, Town of Carlisle

**Project Location:** 80 Westford St., Map 21, Parcel 1

**Project Description:** Installation of a municipal fire protection cistern, tree removal, grading and paving

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Fire Chief David Flannery and Deputy Chief Jonathan White presented the Plan for the installation of a 40,000 gallon underground fire cistern on the east side of the fire station with associated grading and paving. Also part of the filing is a request to remove several Maple trees located between nine and twelve feet from the Town Hall building, as their proximity is impacting the air flow around the building. Flannery provided details of the Plan, including those for the power and water supply, tank location and external equipment requirements, emphasizing the importance of the project for the Town's long range planning for fire protection. The proposed cistern would help provide better fire protection for portions of Rockland Road, Westford and Concord Streets to beyond the monument in the Town Center.

Westford Street, Rockland Road, up into the center past the monument to include Concord Street. Flannery noted that although the national capacity standard requires a 30,000-gallon capacity, it has been determined that a 40,000 gallon would be needed in order to provide adequate water supply given the age and close proximity of the historic structures in the area.

The following issues with the Plan as submitted were stated with the requirement that a revised Plan be submitted: 1) grading elevations to be corrected; 2) revised Plan must be stamped by a registered engineer; 3) siltation barrier to be added in the vicinity of the drainage swale to ensure it is not filled and/or disturbed; 4) limit of work must be added on swale side and a restoration note for any area in the stormwater management area that was disturbed will also be required; 5) the applicant must address concerns that the proposed structure is actually in an area that was designated for stormwater management from the Town Hall construction project. It was noted for the record that there is a Certified Vernal Pool located immediately downstream of the swale, which is considered an outstanding water resource of the Commonwealth. Permission was granted for the proposed tree removal in order to improve airflow conditions within the vicinity of the Town Hall. *The hearing was continued with the applicant's approval to September 10, 2009 at 9:15 p.m. to allow for the required Plan revisions to be completed.*

**8:25 p.m. (DEP 125- 0871) Notice of Intent**

**Applicant: John Merz**

**Project Location: 646 South Street, Map 5, Parcel 50**

**Project Description: Garage removal and reconstruction including ten-foot wide gravel pad**

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Drew Garvin of R Wilson Associates presented the Plan, which he noted was revised after the filing was submitted so as to include the removal of three trees due to their close proximity to structures. Willard noted the absence of elevations on the plan, which was found to be acceptable to the Commission due to the level topography of the site.

*Smith moved to close the hearing for DEP #125-0871. Troppoli seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions for DEP #125-0871. Bush seconded and all attending voted in favor. Smith moved to rescind her previous motion to issue a Standard Order of Conditions in order to amend her motion. Troppoli seconded and all attending voted in favor.*

*Smith moved to issue a Standard Order to Conditions for DEP #125-0871 with reference to the revised Plan dated and received by the Commission on August 27, 2008. Troppoli seconded and all attending voted in favor.*

**8:35 p.m. (DEP 125-0870) Notice of Intent**

**Applicant: Kevin Wells**

**Project Location: 119 Estabrook Road, Map 3, Parcel 1C**

**Project Description: Restoration of a Bordering Vegetated Wetland and landscaping**

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Jonathan Bollen of Stamski and McNary presented the Notice of Intent for a Restoration Plan prepared by David Crossman of B & C Associates, being submitted as a requirement of the previously issued Enforcement Order. Willard reported having done a site visit recently during which she found that ABC (asphalt, brick and concrete) fill, which is not permitted within the 100-foot Buffer Zone or the BVW, had been used in the restoration area. She noted however, that the Restoration Plan calls for the removal of the fill within the BVW.

Guarino, who stated she was not present for the Enforcement Order hearing, noted that the area from about ten feet beyond the house to the east was substantially wooded prior to the unpermitted clearing.

Smith's response was that, in terms of the Enforcement Order, the property owner has accomplished some fairly significant restoration work, and at this point, her primary concern is that there is no woodland understory. Her recommendation was that the plan include a very stable turf in the area, which would first need to be power raked in order to remove the larger chunks of asphalt and brick material in order to start with a good substrate for loaming and seeding. She also recommended that the unpermitted construction be included in the Findings.

Carlisle Conservation Commission

Meeting Date: August 27, 2009

Approval Date: November 19, 2009

Willard reported having discussed drainage issues with the property owner, whereby water is presently draining back towards the house. It was determined that a recommendation for remedying the problem be obtained from a professional. Because of the close proximity of the proposed dog fence to the wetland, Brownrigg suggested moving it back ten to twenty feet and requiring that shrubs and/or wildflowers be planted as a buffer for the dog waste runoff.

*Bush moved to close the hearing for DEP #125-0870. Troppoli seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions for DEP #125-0870 with the following **Findings**: 1) the Notice of Intent was submitted in response to an Enforcement Order for unpermitted activities on the property; 2) there are recently-constructed structures on the site that were not permitted under an OOC, including a shed and a flagstone patio; 3) there are wetlands on the northwesterly portion of the site that were not flagged as part of the submittal, but that no construction was proposed in that area; 4) substantial clearing was done on the site in the Buffer Zone as noted on the Plan "as edge of disturbed area"; 5) wetland restoration is presently occurring on the property in response to a previously issued Enforcement Order; 6) proposed fencing to be pulled out of wetland resource area. **Special Conditions**: 1) the proposed fenced area is to be power-raked to remove all pieces of ABC within six inches of the surface, to be removed from the site and the area is to then be loamed and seeded; 2) the area easterly of the east edge of the proposed fence must also be loamed and seeded to establish ground cover; 3) the extent of lawn easterly of the house will be along the Contour Label #257 on the Plan of Record, extending from the siltation barrier towards the shed to the undisturbed area and must be staked in the field for review by the Administrator; 4) a Planting Plan for re-vegetating the disturbed area outside of approved lawn area with native, facultative vegetation shall be submitted to the Administrator for review. Bush seconded and all attending voted in favor, with the exception of Brownrigg, who opposed. The Amended Enforcement Order was circulated for final signatures.*

**9:30 p.m. (DEP 125-0869) Notice of Intent**

**Applicant: Elizabeth Thibeault**

**Project Location: 304 Russell Street, Map 3 Parcel 18**

**Project Description: Replacement of a failed septic system**

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Jonathan Bollen of Stamski and McNary presented the Plan.

Smith suggested incorporating a Special Condition requiring that the limit-of-work demarcation be relocated so as to be inside the tree line in order to preserve the trees. Willard reported having discovered an area of approximately 900 sf that had been filled with leaves and yard waste to a depth of about two or three feet. DEP guidelines state that this is considered a wetlands violation, as plant material would not be considered exempt. The property owner stated that the area had been used for debris when he purchased the property twenty-nine years ago and that he was unaware that it was a violation of the WPA. He informed the Commission that he would discontinue the practice.

*Smith moved to close the hearing for DEP #125-0869. Troppoli seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions with the Special Condition that measures are taken to provide protection for the three large caliper trees westerly of the driveway, with such measures subject to review by the Administrator prior to the start of work. The contractor shall determine the barrier, and if such barrier is to be located outside edge, tree protection in the form of stakes must be provided. Troppoli seconded and all attending voted in favor.*

**9:45 p.m. (DEP 125-0872) Notice of Intent**

**Applicant: Joseph Colbert**

**Project Location: 312 Autumn Lane, Map 3, Parcel 54**

**Project Description: Garage extension, conversion of a porch to living space and addition of a deck**

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Jonathan Bollen of Stamski and McNary presented the Plan, including the details for the site layout, access route, and siltation/limit of work measures.

Carlisle Conservation Commission

Meeting Date: August 27, 2009

Approval Date: November 19, 2009

Willard cited concerns about the present method of disposal of backwash from the pool, as the backwash exiting from a tube empties overland resulting in scour toward the BVW. She also noted that the filter is not located correctly on the Plan. *Troppoli moved to close the hearing for DEP #125-0872. Smith seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions with the Special Condition that the applicant submit a sketch detail for an improved method of disposal of backwash, which shall be subject to the Administrators review and approval.*

**Enforcement Order - Luciano Mangarella, 383 River Road:** Circulated for signatures

**Enforcement Order Release –542 Bedford Road:** The property owner had recently requested a release on the Enforcement Order issued in December, 2009 for unpermitted driveway work within a resource area. Willard reported that all materials have been removed and that the area has been stabilized. *Smith moved to authorize the Administrator to issue an Enforcement Order Release letter. Troppoli seconded and all attending voted in favor.* Willard informed the Commission that she has advised the property owner that he would be required to file a Request for Determination for any driveway work that may be considered in the future.

**Pathway Maintenance Issues:** Church Street resident Jack O'Connor informed the Commission that he has concerns with regard to the maintenance and condition of the deteriorating siltation barriers that had been installed along Concord Street for the pathway construction. O'Connor stated he had contacted Gary Davis of the DPW about a retaining wall that runs along Concord Street that has been partially knocked down as a result of the construction activity. Davis informed O'Connor that the wall could not be rebuilt until the siltation barriers were removed. Willard reported having attempted to address the issue with the Pathways Committee, but has not yet received a response. It was determined that a letter from the Commission be sent to the Pathways Committee with a copy to the Board of Selectmen and the DPW, requesting follow up measures with regard to addressing the siltation barriers.

**10:25 p.m. Smith moved to adjourn, Troppoli seconded and all attending voted in favor.**

Respectfully submitted,  
Mary Hopkins  
Administrative Assistant